



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

BARBARA JEAN ADKINS late of 58 Cascade Road South Hobart in Tasmania home duties married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Barbara Jean Adkins who died on the thirtieth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

ALI FLORENCE, Trust Administration Assistant.

BESSIE ANDREWS late of Presbyterian Care Tasmania 1-9 Freshwater Point Road Legana in Tasmania home duties/ clerk/typist deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Bessie Andrews who died on the nineteenth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

REBECCA SMITH, Trust Administrator.

ROMA GRACE ANNEAR late of Tamar Park Nursing Home 1-9 Freshwater Point Road Legana in Tasmania retired tailoress/home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Roma Grace Annear who died on the fifteenth day of April 2012 are required by the Executors Grant Harvey Annear and Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

REBECCA SMITH, Trust Administrator.

Tasmanian Government Gazette

Text copy to be sent to Print Applied Technology Pty Ltd.
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NIGEL JAMES BRADFORD late of Alice Street Scottsdale in Tasmania fire control officer/accountant partner deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Nigel James Bradford who died on the fourth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

JON ELLINGS, Trust Administrator.

ROYCE HECTOR BRIGGS late of Glenview Home Glenorchy in Tasmania farmer widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Royce Hector Briggs who died on the twelfth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

ALISON ROSSETTO, Trust Administrator

ROY CAMPBELL late of Glenview Home 2-10 Windsor Street Glenorchy in Tasmania retired messenger single deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Roy Campbell who died on the twenty-third day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23

Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

LAURA ALLEN, Trust Administrator.

PATRICIA KATHLEEN JOHNSTON late of Queen Victoria Home 13 Milford Street Lindisfarne in Tasmania home duties divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Patricia Kathleen Johnston who died on the twenty-ninth day of March 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

LAURA ALLEN, Trust Administrator.

THELMA ALISON RICE late of Compton Downs Old Beach in Tasmania home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Thelma Alison Rice who died on the nineteenth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

ALISON ROSSETTO, Trust Administrator.



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BERYL MURIEL SALTER late of Freemasons Homes Lindisfarne in Tasmania home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Beryl Muriel Salter who died on the twenty-second day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

JENNIFER COSTELLO, Trust Administration Assistant.

BERNARD STAMPER late of Yaraandoo Aged Care Facility 1a Cardigan Street Somerset in Tasmania retired electro plater/laboratory assistant widowed deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Bernard Stamper who died on the twenty-eighth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

JENNIFER COSTELLO, Trust Administration Assistant.

ALAN HARVEY WAGNER late of Multi Purpose Centre 13 Church Street Oatlands in Tasmania retired farmer widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Alan Harvey Wagner who died on the twelfth day of February 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

JON ELLINGS, Trust Administrator.

MARJORIE GAYNOR WALTERS late of May Shaw Health Centre 37 Wellington Street Swansea in Tasmania home duties/retired accounting machine operator married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Marjorie Gaynor Walters who died on the twelfth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

LAURA ALLEN, Trust Administrator.

WERNER FRITZ WIELAND late of 6/9 Clarke Avenue Battery Point in Tasmania retired pumper/gauger married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Werner Fritz Wieland who died on the nineteenth day of April 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of July 2012.

ALISON ROSSETTO, Trust Administrator.

GEOFFREY LEE CHAMBERLAIN late of 3/14a Wentworth Street South Hobart in Tasmania retired cargo keeper divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased who died on the third day of January 2012 are required by the executors Nigel Rutherford Henry and Scott William Law to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the eleventh day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this eleventh day of July 2012.

E. R. HENRY WHERRETT & BENJAMIN,
Solicitors for the Estate.

YVONNE ROBERTA PRASEK late of 4 Princess Buildings Parade Rokeby in Tasmania retired book seller married woman deceased: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased who died on the eighth day of April 2012 are required by the executors Nigel Rutherford Henry and Scott William Law to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the eleventh day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this eleventh day of July 2012.

E. R. HENRY WHERRETT & BENJAMIN,
Solicitors for the Estate.

HOWARD ANTHONY KERSHAW late of 185 Goulburn Street West Hobart in Tasmania married man/company director deceased: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased who died on the seventeenth day of February 2012 are required by the executors Scott William Law and Paul Nicholas Baily to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the eleventh day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this eleventh day of July 2012.

E. R. HENRY WHERRETT & BENJAMIN,
Solicitors for the Estate.

MARGARET JESSIE WOULDWYK late of 51 York Street Sandy Bay in Tasmania retired home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased who died on the twenty-sixth day of March 2012 are required by the executors Scott William Law and Nigel Rutherford Henry to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the eleventh day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this eleventh day of July 2012.

E. R. HENRY WHERRETT & BENJAMIN,
Solicitors for the Estate.

MATHEW HENRY WITHRINGTON late of 50 Mountain River Road Mountain River in Tasmania construction supervisor/partner who died on the fifteenth day of April 2012: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors Timothy Noel Withrington and Todd Andrew Carver c/- Page Seager Level 2 179 Murray Street Hobart in Tasmania to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania by the thirteenth day of August 2012 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this eleventh day of July 2012.

PAGE SEAGER, Solicitors for the Estate.

THOMAS FREDERICK HASLER late of Unit 1 125 Hopkins Street Moonah in Tasmania widow/retired pipe fitter and turner: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Thomas Frederick Hasler who died on the twenty-fourth day of March 2012 are required by the Executor Christina Lucy Hasler c/- Simmons Wolfhagen of 168 Collins Street Hobart in Tasmania to send particulars to Simmons Wolfhagen by the tenth day of August 2012 after which date the Executor may distribute the assets having regard only to the claims of which she then has notice.

Dated the eleventh day of July 2012.

SIMMONS WOLFHAGEN, Solicitors for the Executor.

Crown Lands

Department of Treasury and Finance
2 July 2012

CROWN LANDS ACT 1976

NOTICE is hereby given that under the provisions of the *Crown Lands Act 1976* the property listed below will be submitted for sale by public tender.

47 Meander Valley Road, Carrick
Folio of the Register Volume 162021 Folio 1

Land Zoned Village

Tender details:

Closing on
Monday 30 July 2012 at 2.00 pm
At Roberts Regional North, 18 Marlborough Street, Longford
Estate agents appointed to market the property on behalf of the Crown:

Roberts Regional North
18 Marlborough Street
Longford Tas 7301

HON BRIAN WIGHTMAN MP,
Minister for Environment, Parks and Heritage.

Erratum

ERRATUM

THE notice of Transfer of J. Firth as a permanent employee to the position of Field Officer, Department of Justice in the State Services Notices of 4 July 2012 is hereby rescinded.

ROBERT WILLIAMS,
Acting Secretary of the Department of Justice.

Administration and Probate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of KELVIN ARTHUR BEST late of 6 Nerine Street Primrose Sands Tas 7173 deceased intestate may be granted to David Arthur Best of 32 Frogmouth Lane Primrose Sands in Tasmania a son of the said deceased.

Dated the fifth day of July 2012.

HUNT & HUNT LAWYERS, Solicitors for the Estate.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of SCOTT MICHAEL FAWCETT late of 1/21 Newdegate Street North Hobart in Tasmania deceased intestate may be granted to Andrea Pentecost of 1/21 Newdegate Street North Hobart in Tasmania the mother of the said Scott Michael Fawcett deceased.

Dated this eleventh day of July 2012.

WORRALL LAWYERS, Lawyers for the Applicant.

PUBLIC TRUSTEE ACT 1930

Notice under Section 18 of the Act

PURSUANT to Section 18 of the *Public Trustee Act 1930* notice is hereby given that after the expiration of fourteen (14) days from the publication hereof application will be made by the Public Trustee to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration with the will annexed of the Estate of the undermentioned deceased person may be granted to the Public Trustee:—

MARK PETER CARTLEDGE late of 19 Liffey Street Carrick in Tasmania business proprietor/warehouse manager/divorced man deceased

Dated this eleventh day of July 2012.

PETER MALONEY, Chief Executive Officer, Public Trustee.

Electricity Industry Safety

ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997

AS Delegate of the Secretary appointed pursuant to section 6 of the *Electricity Industry Safety and Administration Act 1997*, I hereby give notice that pursuant to the provisions of Part 8 of the Electricity Industry Safety and Administration Act, I have approved the Electrical Safety Management Scheme and the Electrical Safety Management Scheme Manager, proposed by AETV Power Tamar Valley Power Station on 14 June 2012 and the Electrical Safety Management Scheme approval will expire 30 June 2017.

Any inquiries should be directed in writing to Mr John Britten, Senior Infrastructure Safety Compliance Officer, Office of Electricity Standards and Safety, PO Box 56, Rosny Park, Tasmania 7018.

ROY ORMEROD, General Manager,
Workplace Standards Tasmania, Delegate of the Secretary.

Anti-Discrimination

OFFICE OF THE ANTI-DISCRIMINATION COMMISSIONER, TASMANIA

EXEMPTION/S GRANTED

THE following application for exemption from the provisions of the *Anti-Discrimination Act 1998* (Tas) (the Act) has been granted:

1. 12/156 & 12/156(a) – Application for exemption granted under section 57 of the Act for a period of 3 years and 12/156(a) is granted for a period of twelve months.

This exemption has been sought to enable Christopher Forrest, a Freelance Photographer to specifically advertise for and employ female models over the age of 18 years for photographic content for adult magazines.

Granted on the 21st day of June (12/156) and 4th day of July 2012 (12/156(a)).

2. 12/157 - Application for exemption granted under section 57 of the Act is granted for a period of 3 years.

This exemption has been sought to enable Jireh House Association Inc (Jireh House) to specifically advertise for and employ women only for identified core positions, which relate to the special services provided to Jireh House's clientele.

Granted on the 4th day of July 2012.

The exemptions above were granted subject to the conditions of participating in the Office of the Anti-Discrimination Commissioner's training program to increase awareness of rights and obligations under the *Anti-Discrimination Act 1998*, and reporting to the Commissioner on actions and decisions taken in reliance on the exemption and compliance with the training and education condition.

A person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision within 28 days from the date of this notice being published.

ROBIN BANKS, Anti-Discrimination Commissioner.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16 and Section 18)

IN PURSUANCE of Section 16 and Section 18 of the *Land Acquisition Act 1993*, I Glenn Graeme Doyle, General Manager of the Huon Valley Council, an Acquiring Authority for the purposes of the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Huon Valley Council absolutely under the said Act for the purpose of the establishment of a local highway, as defined by section 3 of the *Local Government (Highways) Act 1982* pursuant to Section 176 of the *Local Government Act 1993*.

Given under my hand this 6th day of July 2012.

G. G. DOYLE, General Manager,
Huon Valley Council,
40 Main Street, Huonville.

Schedule

All that 136 square metres of land situate in the Town of Huonville being lot 1 on Plan of Survey P162649 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 249631 Folio 1 of which Telstra Corporation Limited is the registered proprietor. The acquired lot will continue to be burdened by the "Electricity Infrastructure Easement (P.249631) Created By (C.986242)" shown on the Plan.

Location – Town of Huonville
Municipal Area – Huon Valley

Industrial Relations

INDUSTRIAL RELATIONS ACT 1984

Notice of Variation of an Award

Name of Award	Award No.	Date made
AWU (Tasmanian State Sector)	2/2012	04/07/2012
Custodial Officers	1/2012	04/07/2012
Health and Human Services (Tasmanian State Service).....	2/2012	29/06/2012
Health and Human Services (Tasmanian State Service).....	3/2012	04/07/2012
Legal Practitioners	1/2012	04/07/2012
Medical Practitioners (Public Sector)	1/2012	04/07/2012
Miscellaneous Workers (Public Sector) .	1/2012	04/07/2012
Nurses (Tasmanian Public Sector) Award 2005	2/2012	04/07/2012
Police Departmental Employees	1/2012	04/07/2012
Polytechnic and Skills Institute Teaching Staff	1/2012	04/07/2012
Port Arthur Authority	1/2012	04/07/2012
Tasmanian Ambulance Authority.....	1/2012	04/07/2012
Tasmanian Fire Fighting Industry Employees.....	1/2012	04/07/2012
Tasmanian State Service	2/2012	04/07/2012
Teaching Service (Tasmanian Public Sector).....	2/2012	04/07/2012

A. T. MAHONEY, Registrar.

Rules Publication

RULES PUBLICATION ACT 1953

NOTICE OF THE MAKING OF STATUTORY RULES

IN ACCORDANCE with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:—

Title of Act (if any) under which Statutory Rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Civil Process Act 1870</i>	S. R. 2012, No. 56	<i>Civil Process (Table of Fees for Execution) Amendment Rules 2012</i>
(2) <i>Supreme Court Civil Procedure Act 1932</i>	S. R. 2012, No. 57	<i>Supreme Court Forms Amendment Rules 2012</i>
(3) <i>Supreme Court Civil Procedure Act 1932</i>	S. R. 2012, No. 58	<i>Supreme Court Amendment (Fees and Costs) Rules 2012</i>
(4) <i>Supreme Court Civil Procedure Act 1932 and Administration and Probate Act 1935</i>	S. R. 2012, No. 59	<i>Probate Amendment Rules 2012</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Civil Process (Table of Fees for Execution) Amendment Rules 2012*

These Rules of Court amend the *Civil Process (Table of Fees for Execution) Rules 1991* by –

- (a) increasing certain fees payable for the execution of civil process; and
- (b) amending the fee payable for the execution of civil process in relation to certain auctions.

(2) *Supreme Court Forms Amendment Rules 2012*

These Rules of Court amend the *Supreme Court Forms Rules 2000* by amending the affirmation used in certain affirmations made by certain members of the legal profession to conform with the *Oaths Act 2001*.

(3) *Supreme Court Amendment (Fees and Costs) Rules 2012*

These Rules of Court amend the *Supreme Court Rules 2000* by increasing certain fees, percentages and costs payable under those Rules of Court.

(4) *Probate Amendment Rules 2012*

These Rules of Court amend the *Probate Rules 1936* by –

- (a) increasing the fees payable to the Registrar of the Supreme Court in non-contentious proceedings under the *Administration and Probate Act 1935*; and
- (b) revoking a minor amendment made under the *Probate Amendment Rules 2011*.

Copies of the abovementioned statutory rules may be purchased at Print Applied Technology Pty Ltd, 33 Innovation Drive, Dowsing Point, Phone (03) 6233 3360 or Toll Free 1800 030 940.

P. R. CONWAY, Chief Parliamentary Counsel

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

'Anyone who has problems with, or feels they are adversely affected by, any of the above Regulations can write to the Secretary of the Subordinate Legislation Committee, Legislative Council, Parliament House, Hobart, 7000.'

RUTH FORREST, MLC, Chairperson.

Councils

LATROBE COUNCIL
STREET DINING BY-LAW
BY -LAW NO. 1 of 2012

A By-law of the Latrobe Council made under Section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling the conduct of street dining on the highways in the municipal area of Latrobe.

PART 1
PRELIMINARY

Short Title

1. This By-law may be cited as the *Street Dining By-law No.1 of 2012*.

Interpretation

2. In this By-law:

'authorised officer' means an employee of Council authorised by Council for the purpose of this By-law;

'certificate of registration' means the certificate of registration under the *Food Act 2003* issued with respect to the food business to which the application for a street dining permit, or a street dining permit, is related;

'Council' means the Latrobe Council;

'food business' has the meaning assigned to it in the *Food Act 2003*;

'footpath' means that area of a highway between the highway pavement and/or property line paved or unpaved, primarily used by pedestrians;

'furniture' includes chairs, tables, umbrellas, screens, barriers, awnings, waste bins, heaters and portable lighting;

'General Manager' means the General Manager of the Council;

'highway' has the same meaning as under the *Local Government (Highways) Act 1982*

'infringement notice' means a notice issued by an authorised officer to a person who commits an offence against this By-law;

'penalty unit' means the amount of money set under the *Penalty Units and Other Penalties Act 1987* as amended;

'permit' means a statement in writing with or without conditions issued by an

authorised officer authorising an activity regulated by this By-law;

'premises' means the premises with respect to which a certificate of registration is issued to the proprietor of the food business carried on in those premises;

'proprietor' has the same meaning as provided in the *Food Act 2003*;

'street dining' means the consumption of food and or beverages by customers seated in an area on a highway external to a food business and immediately adjacent to it;

'street dining permit' means a street dining permit issued by the Council in accordance with this By-law;

'street rubbish bins' means rubbish bins installed by the Council on the footpath;

'trading day' means each day that the holder of a street dining permit opens a food business.

PART 2 **STREET DINING PERMIT**

Street Dining without a Permit

3. (1) A person must not cause or permit any furniture to be placed on a highway for the purpose of encouraging or permitting street dining except in accordance with a permit
- Penalty: A fine not exceeding seven (7) penalty units.
- (2) A person must not place any furniture on a highway such that the placement of the furniture unreasonably prevents the free and unrestricted use of the highway by pedestrians. An authorised officer may remove any furniture that such person believes is unreasonably preventing the free and unrestricted use of the highway by pedestrians.
- (3) A person must only place furniture on a highway in a location authorised by the Council in a permit granted in accordance with Clause 4 of this by-law. An authorised officer may remove any furniture not placed in accordance with the permit condition.

Application for a Permit

4. (1) The proprietor of a food business may apply to the Council for a permit with respect to premises if:-

- (a) the proprietor holds a certificate of registration with respect to those premises; and
 - (b) those premises adjoin a highway; and
 - (c) the food business includes the sale of food or beverage for human consumption on those premises.
- (2) An application for a street dining permit is to be in accordance with Form 1 in Schedule 2 and be lodged with the General Manager and is to be accompanied by the following:-
- (a) a copy of a current certificate issued by the council in respect of the food business pursuant to the Food Act 2003;
 - (b) a copy of the certificate of currency of the public and products insurance referred to in clause 11 (1)(a);
 - (c) a drawing with sufficient detail to determine the location and extent of the furniture to be placed on the footpath;
 - (d) such other information as an authorised officer may reasonably require or as may be required by any act or regulation.
 - (e) any applicable fee.
- (3) It is a condition of granting a permit that the applicant has a current certificate of registration of a food business issued pursuant to the Food Act 2003.
- (4) The Council may grant a permit to a person on such terms and conditions as it thinks fit.
- (5) The grant of a permit permits the holder of the permit to provide a street dining service.
- (6) Street dining may only take place on a footpath immediately adjacent to the food business of the person to whom a permit has been issued pursuant to this by-law.

Display of Permit

5. The holder of a street dining permit must display that permit in a prominent location at the entrance to the premises.

Penalty: A fine not exceeding 5 penalty units.

Failure to comply With the Condition of a Street Dining Permit

6. Any person who is the holder of a street dining permit issued pursuant to this By-law and who fails to comply with any condition of that permit is guilty of an offence.

Penalty: a fine not exceeding 10 penalty units

Revocation of a Permit

7. (1) An authorised officer may revoke a permit if the holder of the permit does not:
- (a) comply with the terms and conditions of the permit; and/or
 - (b) comply with the provisions of this By-law.
- (2) An authorised officer is to give the permit holder seven (7) days notice in writing of the revocation of a permit.
- (3) An authorised officer may revoke a permit immediately if a permit holder breaches clause 11 of this By-law.

Removal of Furniture

8. (1) Any furniture placed on a highway pursuant to a permit granted in accordance with Clause 4 of this by-law must be removed by the holder of a street dining permit within thirty minutes of the food business closing at the end of each trading day.
- (2) An authorised officer may remove furniture that is placed on a highway in contravention of clause 3 and store it in a safe location until any penalty that may be payable pursuant to this By-law has been paid to the Council.
- (3) An authorised officer intending to remove any furniture pursuant to this clause must give an offending permit holder two (2) days written notice of that person's intention to remove the furniture.

Cleanliness

9. (1) The permit holder must ensure that the area covered by the permit and the area immediately adjacent is at all times clean, tidy and in a sanitary condition.
- (2) Without limiting what is required in order to comply with clause 9(1) of this By-law, the permit holder must regularly empty waste bins, wash the pavement on a daily basis, and immediately a table is vacated clean away any liquid, food, debris, broken glass, cigarette butts or waste from the table and wipe the surface of the table.

Penalty: A fine not exceeding three (3) penalty units.

Street Rubbish Bins

10. A permit holder must not use existing street rubbish bins for the disposal of table waste.

Penalty: A fine not exceeding three (3) penalty units.

Insurances

11. (1) (a) An applicant for a street dining permit must have public and products liability insurance that covers the area designated for street dining before the applicant is issued with a permit.

(b) The insurance cover is to be for the minimum sum of ten (\$10) million and be in a form acceptable to Council.

- (2) (a) A permit holder must produce a Certificate of Currency of the insurance referred to in clause 11(1)(a) if requested by an authorised officer.

Penalty: A fine not exceeding 5 penalty units.

(b) A copy of the Certificate of Currency is to be prominently displayed on the premises.

Penalty: A fine not exceeding 2 penalty units.

- (3) An authorised officer may cancel a permit immediately if:

(a) a permit holder has refused to allow an authorised officer to view a relevant certificate of insurance; or

(b) the insurance cover lapses during the term of the permit.

PART 3
INFRINGEMENT NOTICES

- 12.(1) In this clause —
- "specified offence" means an offence against the clause specified in column 1 of Schedule 1.
- (2) An authorised officer may;
- a) Issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
 - b) Issue one infringement notice in respect of more than one specified offence;
 - c) Impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (3) Infringement notices may be issued in respect of the offences specified in Column 2 of Schedule 1 to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- 4) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (6) All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law .

SCHEDULE 1

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty (Penalty Units)
3(1)	Place furniture on highway	3.5
5	Fail to display permit	2.5
6	Fail to comply with conditions of a Street Dining Permit	5
9(2)	Failure to keep area clean	1.5
10	Use street rubbish bins for table waste	1.5
11(2)(a)	Fail to produce Certificate of Currency of Insurance	2.5
11(2)(b)	Fail to display Certificate of Currency of Insurance	1

SCHEDULE 2 — FORM 1

<u>LATROBE COUNCIL</u>		<u>FORM 1</u>
Application for a Street Dining Permit		
1.	Applicant's full name:.....	
2.	Address of applicant:.....	
3.	Trading name of Business:.....	
4.	Telephone number:.....	
5.	Address of Premises:.....	
6.	Indicate (.....) owner (.....) occupier of the premises.	
7.	Attach plan showing the location of the proposed street dining area, size, number and location of screens, tables and chairs proposed, together with placement of waste bins.	
8.	Brief description of street furniture proposed:.....	
8.1	number of chairs:.....	
8.2	number of tables:.....	
8.3	colours of chairs and tables:.....	
8.4	number of umbrellas:.....	
8.5	colour of umbrellas:.....	
9.	Outline proposed method for the disposal of waste:.....	
10.	Period for which permit is sought: - <input type="checkbox"/> to the expiration of the certificate of registration of the food business. <input type="checkbox"/> to...../...../.....(being an earlier date.)	
11.	Attach:- 11.1 a copy of a current certificate issued by the council in respect of the food business pursuant to the Food Act 2003; 11.2 a copy of the certificate of currency of the public and products insurance referred to in clause 11(1)(a); 11.3 a drawing with sufficient detail to determine the location and extent of the furniture to be placed on the footpath;	
I/We apply for a permit pursuant to the Street Dining By-Law, a copy of which I/We have read and agree and undertake that upon the issue of any permit pursuant to this application I/We will abide by the provisions of that By-law.		
Dated this:.....day of.....20.....		
Signature of Applicant/s.....		

This By-law is certified as being in accordance with the Law by
G W Tremayne, Legal Practitioner, Hobart.

The Common Seal of the Latrobe Council has been hereunto
affixed pursuant to a resolution of the Council passed on
the 18th day of June, 2012 in the presence of;

G P Monson, General Manager.

(Seal)

Dated this 19th day of June, 2012.



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